IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

O.P.No.33007 of 2001(S)

PETITIONER:-

NATURE LOVER'S MOVEMENT, THIRUVANKULAM
(REG.NO.ER/459/93) REP. BY THE PRESIDENT,
M.K.SUBRAHMANIAN, AGED 38 YEARS, S/O.KRISHNAN,
MAMALA, P.O., THIRUVANANTHAPURAM.

BY ADV. SMT.DAISY THAMPI

RESPONDENTS:-
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1. UNION OF INDIA, REP. BY THE SECRETARY TO GOVERNMENT,
MINISTRY OF ENVIRONMENT AND FORESTS,
PARYAVARAN BHAVAN, LODI ESTATE, NEW DELHI.

2. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY, THIRUVANTHAPURAM.

3. CONSERVATOR OF FORESTS, VESTED FORESTS,
KOZHIKODE AND CUSTODIAN OF VESTED FORESTS,
GOVERNMENT OF KERALA.

4. THE DIVISIONAL FOREST OFFICER,
FLYING SQUAD DIVISION, KOZHIKODE.

5. N.M.AHAMMADKUTTY HAJI, MELAKUMIZHI,
OLATHOOKI ESTATE, KARASSERI, MOKOM, CALICUT.

6. M/S.KARUNA PLANTATION PVT. LTD., CHAKKITTAPARA,
KOZHIKODE DISTRICT.

7. K.KESAVAN NAIR, S/O.ITHUNNI AMMA,
KOZHISSERI HOUSE, NALLUR, KAMADHENU SPICES GARDEN,
FEROKE P.O., KOZHIKODE DISTRICT.

8. THOMAS MATHEW, S/O.MATHEW, KALATHOOR HOUSE, THRICHAMBARAM, THALIPARAMBU.

R1 BY ASSISTANT SOLICITOR GENERAL OF INDIA
SRI.JOHN VARGHESE.

R2 TO R4 BY SPECIAL GOVERNMENT PLEADER FOR FORESTS
SMT.SUSHEELA R.BHATT.

R6 BY ADVOCATE SRI.N.JAMES KOSHY.

ADV.SRI.PHILIP ANTONY CHACKO.
ADV. SRI.M.P.SREEKRISHNAN
ADV.SRI.THOMAS KOSHY
SMT.SHAHNA KARTHIKEYAN
BY ADV. SRI.P.S.SREEDHARAN PILLAI, SCGSC.

THIS ORIGINAL PETITION HAVING COME UP FOR FINAL HEARING ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

O.P.No.33007 of 2001-S

Dated, this the 5th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

In this petition, which has been filed by way of public interest litigation by Nature Lover's Movement, which is stated to be a voluntary organisation registered under the Travancore-Cochin Scientific, Literary and Charitable Societies Act, the prayer is to set aside the order passed in O.A.No.145 of 1977 dated 10.12.1979 and to direct respondents 2 and 3 to resume the lands restored to respondents 5, 7 and 8 as per the decisions in O.A.No.145 of 1977 dated 10.12.1979, O.A.No.204/1977 dated 11.12.1981 and O.A.No.205/1977 dated 11.12.1981 of Forest Tribunal, Kozhikode.

2. Pursuant to notice issued by this Court, Smt.Susheela R.Bhatt, learned Special Government Pleader has handed over to us a notification dated 21st April, 2001, by virtue of which ownership and possession of the lands as per the details shown in the schedule to the notification in the districts of Palakkad, Kannur and Wayanad have been vested in the Government of Kerala free from all

encumbrances and the right, title and interest of the owner or any other person thereon shall stand extinguished from the date of commencement of the Ordiance, i.e. 2nd June, 2000. If, perhaps, the petitioner would have been aware of the notification, this petition ought not have been filed at all. Be that as it may, petitioner states that the petition be closed in view of notification referred to above, a copy of which, we order, be placed on records. We may mention that the notification referred to has been challenged by affected parties and the order passed by us today would have no effect on the said litigation.

The Original Petition is closed. All pending interlocutory applications are dismissed.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-